

REMARKS

Prior to amendment of the application Claims 1-27 were pending in the application. After amendment Claims 1-27 are still pending.

Specification Correction

The two substitute paragraphs provided, show revisions to the specification.

In the first amended paragraph at line 10, the item number associated with the stent cup plunger has corrected from 52 to 66.

In the second amended paragraph at line 3, a symbol “»” after the word Talent has been removed.

Restriction Requirement

Applicant gratefully acknowledges the Examiner’s withdrawal of the earlier restriction requirement.

Rejection Under 35 U.S.C. § 112, second paragraph

Claims 1-27 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

In Claim 1, li. 7, the Examiner write that the meaning of “stent cup plunger” is unclear. Applicant has amended the claims to eliminate the word cup from the claims, as the Examiner has found it objectionable, though Applicant disagrees with the Examiner’s conclusion. The Examiner is objecting to the use of words which are known and understood by persons in the industry. In the specification, as amended, at page 7 starting at line 10, the stent cup plunger is defined.

Stent cup plunger 66 is a ring type structure engaged with the catheter body 34 and is sized to snugly fit within the containment sheath 52 wherein the stent cup plunger 66 acts as the end surface of the anti kink spacer . . .
A common usage of the phrase “cup plunger,” is to identify the structural element at the end of the stent or stent graft which prevents the proximal movement of the stent or stent graft as the surrounding sheath is withdrawn. The cup plunger can be a flat disc or can have a surface contour on one side or the other, or any similar meaning attributed to it by a person of ordinary skill in the art. The Examiner’s literal dictionary interpretation of the descriptive words used, is not necessarily consistent with industry meanings and practices.

With respect to, Claim 1, li. 26, Examiner writes after “of,” “a” should be “said” since the fluid receiving chamber has already been claimed in line 11. Applicant traverses. In Claim 1 there are recited several element which include the words “fluid receiving,” i.e., a fluid receiving chamber section; a maximum fluid receiving chamber extension length; a minimum fluid receiving chamber extension length; and a fluid receiving chamber. A fluid receiving chamber section, at line 11, identifies a section of the catheter, a fluid receiving chamber at line 26 includes only the then existing extent of the fluid receiving chamber, it could be any length associated with the chamber between the maximum fluid receiving chamber extension length and the minimum fluid receiving chamber extension length, while the chamber size changes, the catheter section known as the fluid receiving chamber section, does not. The Examiner comments that Claim 11, has the same problem. Applicant similarly traverses, as discussed above.

With respect to Claim 6, line2, and Claim 11, lin2, the objectionable language has been deleted.

With respect to Claims 7, 9, 17, and 19, all at li. 2, the language has been corrected.

With respect to Claims 24, 25, and 27, the language has been corrected.

Rejection Under 35 U.S.C § 103 (a).

Claims 1, 7/1, 8/7/1, 9/1, 10/9/1, 11, 17/11, 18/17/11, 19/11, 20/19/11, 23, and 24 stand rejected under 35 U.S.C § 103 (a) as being unpatentable over Fiedler (5817101) in view of Bartholf.

The Claims 1 and 11 have been amended to recite that the catheter is made of two different materials. As discussed in the specification the reason for two materials having different qualities is that the pliability needed for self expanding stent release is not consistent with the strength and sealing properties of the catheter needed for sealing a pressurized chamber. Neither Fiedler, nor Bartholf, disclose or teach such properties. Without some teaching or suggestion in the prior art a rejection based on obviousness cannot survive.

Claims 2-6, 7/(2-6), 8/7/(2-6), 9/(2-6), 10/9/(2-6), 12-16, 17/(12-16), 18/17/(12-16), 19/(12-16), and 20/19/(12-16) have been identified as being allowable if rewritten to

overcome the rejection under 35 U.S.C. § 112, second paragraph and inclusion of all the limitation of the base claim and any intervening claims.

Claims 2-6, 7/(2-6), 8/7/(2-6), 9/(2-6), 10/9/(2-6), 12-16, 17/(12-16), 18/17/(12-16), 19/(12-16), and 20/19/(12-16) have been amended by virtue of their dependency on currently amended claims.

Claims 21. 22. and 25-27 have been identified as being allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph.

Claims 21. 22. and 25-27 have been amended.

CONCLUSION

Applicant believes that the application is now in a condition for allowance. Should the Examiner have question he is invited to call the undersigned to discuss resolution.

Dated this 7th day of June, 2004.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Janis Biksa", is written over a horizontal line.

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